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Sent: Monday, March 06, 2006 10:12 AM  
To: mlpaComments@resources.ca.gov  
Cc: John Wolfe; yscuba@californiadivers.com; "Mark St. Angelo"  
Subject: MLPAComments: Comments on Package S

Please see attached document containing my comments on Package S and Goals 3 and 5.

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Dear BRTF Members,

These comments are prompted by the recent appearance of Package S, and offer an analysis of it with regard to Goals 3 and 5, at least in the Monterey and Carmel areas. First, the staff is due all our thanks for their efforts in creating Package S. We appreciate the attempt to resolve differences between the packages implicit in this work. We know from experience in the RSG the difficulty of the task! We are confused, however, by the apparent freedom from applying the same stakeholder concerns we tried to satisfy in the RSG. One possible reading of the maps suggests that, more than any of the RSG packages, Package S was driven by application of design considerations for enforcement purposes. In the RSG, we were briefed on those considerations, and then updated when they changed. Several of us consulted with enforcement staff directly. Our task was to balance those considerations with the many stakeholder wants and needs. We believe the “preferred alternative” should reflect such balance.

With regard to Goals 1, 2, 4, 6, we have read the comments submitted Kaitilin Gaffney, Steve Shimek, and Karen Garrison. As citizens with a profound and direct interest in seeing a highly effective network of MPAs in the Central Coast, we find ourselves in general agreement with their concerns. In particular, looking from Package AC, to Package 2, to Package S we see a progressive shrinking of reserves and reduction of levels of protection in other MPAs. We are concerned that Package S goes so far as to risk the effectiveness of the overall network, and several of the MPA “clusters” it proposes.

Point Lobos as drawn in Package S is a welcome exception to this rule. On Feb 1, I delivered verbal comments stressing the importance of adequate size to include specific “fingers” of habitat at Point Lobos and Point Sur. While Package S’s Point Lobos Reserve isn’t large enough to add another “finger” of rocky reef to the reserve, it fully encloses and buffers the Yankee Point Reef. That is a welcome enhancement.

The addition of the Pfeiffer-Burns reserve to protect more of the shore south of Point Sur is interesting and welcome. But we are troubled by the shrinkage of the Point Sur Reserve, especially pulling it away from the point itself. Further, the added reserve misses the most important patch of richly populated habitat we know of in that neighborhood: at and just south of Pfeiffer Point. An added reserve in this neighborhood should surely cover this unique and extraordinary area.

**Goal 3: Objective 1 “Ensure some MPAs are close to population centers and research and education institutions and include areas of traditional non-consumptive recreational use and are accessible for recreational, educational, and study opportunities.”**

While Package S places MPAs close to population centers, it does not create MPAs of sufficient size or of high enough protection level to provide meaningful research and educational opportunities. The MPAs it would create at “areas of traditional non-consumptive recreational use” offer too little protection to satisfy the expectations of non-consumptive recreational users. Specifically, the Ricketts MPA must be a reserve, or at a bare minimum offer a high level of protection, and must extend to 60

feet of depth or slightly more. The Carmel Pinnacles Reserve is of insufficient size to properly address the interests of the Monterey-based commercial dive boat industry and the retail and hospitality businesses that serve their passengers.

While some of the Package S MPAs are properly located and accessible for research, those MPAs similarly lack a sufficient level of protection, or improvement from the *status quo*, to make research meaningful, or to enhance education. For example, The Ricketts and Pacific Grove MPAs are probably the best opportunities in this category and the change in protections offered by Package S are so minutely incremental as to be un-measurable. A reserve at Ricketts would allow research to resolve important questions: *How effective can a small “city park” style of reserve be? Does heavy non-consumptive use result in any perceptible impact on a reserve?* Nowhere in Package S can these questions be tested.

Likewise, those MPAs and others are well located and accessible for education. Opal Cliffs may enhance education and research by offering meaningful protection. Ricketts and Pacific Grove SMCAs, as per Package S, cannot be expected to produce any “reserve effect” or enhancement of marine life and so do not benefit educational use over the *status quo*.

All of these deficits are addressed and resolved in Package 2.

### **Goal 3: Objective 4 “Protect or enhance recreational experience by ensuring natural size and age structure of marine populations.”**

Package S is essentially the *status quo* for shore-based recreation in Monterey, and thus provides no enhancement for non-consumptive recreational use either. Late in 2005 local residents did a usage survey of the Breakwater by capturing digital images three times daily on each of three weekends. Analysis of those images suggests approximately 50 divers for every one person fishing from the Breakwater. Underwater observation of fish populations, and casual census of fishing catch at the Breakwater both confirm the vast majority of fish, including virtually all rockfish in the area, are juveniles.

During the RSG process, constituents brought to our attention a previously under appreciated public safety issue. Divers are hooked on fishing tackle at an alarming rate at the Breakwater. A survey of a small fraction of the dive community (reachable through one online group) documented an average rate of one hooking incident every 19 days. Given the limited reach of the survey, the actual rate is probably far, far higher. As yet the reports are all of hooks piercing dive gear, and not skin. As many Breakwater divers are mostly novices or students, such an incident would likely lead to a panicked ascent, and such an ascent is what dive instructors work hard to prevent. That’s because a fast, panicky ascent when breathing compressed air too frequently leads a burst lung (air embolism), which can be life-threatening. By failing to include the Breakwater within a Reserve, Package S misses the Central Coast’s best opportunity to enhance recreational experience, as well as to protect the welfare of many of the divers engaged in that recreation.

Package S is essentially the *status quo* for protection of marine life off Pacific Grove, and thus provides no substantive recreational enhancement there either. Package S does place the shallowest waters between Lovers’ Point and Hopkins into the reserve, offering some improvement for beachgoers and divers entering via the Lovers’ Cove beach. But a great deal of diving is done west of the point, from shore and boats, and there is some kayaking there as well. Package S’s small westward expansion of Hopkins does not enhance those uses.

Divers, surfers, kayaker, beach goers, wildlife watchers, restaurant patrons, aquarium visitors and hotel guests, are all drawn to the Monterey Peninsula, in whole or in part, by the richness of the marine life there. We do not believe their experience would be meaningfully enhanced if Package S were adopted. While the Objective 4 literally reads, “protect **or** enhance,” non-consumptive ocean lovers generally regard protecting the current impoverished and depleted experience now available around the Monterey Peninsula as inadequate. Hopes and, frankly, expectations of the MLPA process are to provide **restoration** of some of lost richness of marine life here. That can only be done through reserves or highly protective SMCAs. Package 2 does a better job on all these points.

**Goal 5, Objective 1: “Minimize negative socio-economic impacts and optimize positive socio-economic impacts for all users, to the extent possible, and if consistent with the Marine Life Protection Act and its goals and guidelines.”**

**Package S creates negative impacts not caused by Package 2.** By extending the proposed Hopkins Reserve enlargement seaward to the bell buoy, Package S creates a **large negative impact** to the local wetfish industry, especially **squid fishing**. This mapping puts a meaningful amount of prime squid fishing water into MPAs that preclude commercial fishing. Placing this deeper, sandy bottom area into a reserve does not offer large enough benefits to conservation, education, recreation, or research to offset the negative impacts to squid fishers. Package 2 *carefully* expands the Hopkins reserve seaward to cover one deeper reef area, which is not used for squid fishing but is used for research and recreation. An overlay comparison of the maps will demonstrate this difference.

The December version of Package 2 used an elegant combination of SMCA and SMR around Point Lobos to produce zero impact to the spot prawn fishery. Though based entirely on straight north/south and east/west lines, the department told us this was still too complicated. As a result of this requirement by DFG, Package S, and the February version of Package 2, both place some water valuable for spot prawn trapping into the Point Lobos Reserve. Given current DFG requirements for the maps, this is impossible to avoid, though we think it regrettable.

**Package S fails to achieve positive socio-economic impacts that are achieved by Package 2.**

Significant positive impacts to diving, kayaking, wildlife viewing, and general tourism would be obtained by marine reserve designation for the Ricketts area at Cannery Row. “Reserve” designation would enhance destination value to tourism: hospitality, restaurant, and retail businesses in general will benefit from the PR value, and recreation will benefit from the actual enhancement to marine life.

Similar positive impacts can be obtained through higher protection along the Pacific Grove shore. In addition, I know you are aware of the long-standing Pacific Grove Community agitation for substantially greater protection there. We strove, in Package 2, to balance that community interest with reasonable recreational fishing needs. I believe that an arrangement like that of Package 2 would be tolerable to all, and produce a *de facto* resolution of that issue at long last. I know Package S will not, and the City of Pacific Grove, or its residents, would probably continue to seek redress. Laying this issue to rest should be considered a positive social impact, and a likely avoidance of direct negative economic impact to the State and DFG.

Better optimization of positive impact to the diving industry can be obtained by adoption of a reserve at Carmel Pinnacles more like that of Package 2. Half a dozen commercial dive boats operate from Monterey harbor, and their passengers

At Point Lobos, Package S does realize modest enhancement of diving, kayaking and general tourism, but these benefits are limited by the limited accessibility of Point Lobos. Parking lots there often fill in summer months, and weekend diving access must be obtained by reservation over a month in advance or diving entry is impossible. That said, the enlargement of Point Lobos is desirable for socio-economic reasons, and even more desirable for biological reasons.

Package S achieves a modest increase in enforceability at the expense of multiple stakeholder impacts. While the enforceability considerations are certainly important, they should be weighed against the stakeholder impacts. *Which benefits are greater? Which negative impacts are smaller?* Package 2 was designed specifically to balance these interests and optimize social and economic impacts. It uses a boundary (60 ft depth) that we were told by enforcement staff was acceptable, if not ideal. We made several attempts to use more ideal boundaries, and found, just as in Package S, the other impacts were strongly undesirable. In this sense, Package S resembles maps discussed early in the RSG process. Those early maps were eventually refined, through stakeholder give and take, to what you saw in the December version of Package 2. In early February, Package 2 proponents were told quite emphatically to further improve MPA boundaries around the Monterey Peninsula *for enforcement considerations*. That was difficult to do without trampling stakeholder interests, but it was done, and the result is the February version of Package 2.

## **Recommended Actions**

Recommend Package 2 over Package S as the “preferred alternative.”

In the alternative, make discrete modifications to Package S to meet Goals 3 and 5. Modify Package S in these key locations:

### **Monterey Breakwater & Cannery Row**

Make Ricketts a Reserve, or a high-protection SMCA at the very minimum. Include all water from the Breakwater to Lovers’ Point to at least 60 feet, but by no means deeper than 90 feet, so as to avoid impact to the squid fishery. Package 2’s map for this are probably got the balance right.

### **Carmel Pinnacles**

Enlarge this reserve slightly to better meet Goal 3, Objectives 1 and 4, and optimize socio-economics per Goal 5 Objective 1. Specifically, extend the reserve eastward at least as far as to include Pescadero Point & wash rock. Again, Package 2’s map for this are probably got the balance right.

### **Pacific Grove**

Adopt the Package 2 arrangement. In the alternative, retain the shape drawn in Package S, but change the regulations to increase the level of protection of this SMCA to “high.”

Thank you for taking the time to read these additional comments, prompted by the arrival of Package S. I hope their extent and detail, though imposing some burden on the reader, is helpful in allowing you to make well-reasoned and fully informed decisions on how to achieve Goals 3 and 5.

Respectfully Submitted,

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